



Wisconsin Troopers' Association

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Testimony In Support of Assembly Bill 215

Before the Assembly Transportation Committee

April 19, 2007

Denny Kruger, Legislative Liaison

Thank you, Chairman Petrowski and members of the Transportation Committee, for the opportunity to be here today to testify in support of AB 215, legislation that will help curb the growing problem of inattentive driving. My name is Denny Kruger and I am a retired state trooper with more than 31 years of service.

The Wisconsin Troopers' Association (WTA) has identified inattentive driving as a major problem area to address in order to help reduce tragic crashes and fatalities on Wisconsin roadways. As a veteran law enforcement officer, I have witnessed the evolution of inattentive drivers. During this time, the inattentive driving statute has remained unchanged. New distractions and higher speeds along with updated electronic technology have made current law obsolete.

Essentially, AB 215 does two things: First, it strengthens current law. All too often, inattentive driving citations do not hold up in court. The statute is too vague – and it's a deterrent for officers to address this growing problem. The bill also focuses on finding a comprehensive solution of addressing distracted DRIVERS rather than creating a laundry list of items that drivers are not allowed to use while operating a vehicle.

Second, it updates current law to consider the progression of new technology. I believe we all would agree that watching a DVD or emailing from a laptop computer while operating a vehicle is a distraction to the driver. Current language prohibits a person from using any device used to visually receive a television broadcast when that device is located at any point forward of the back of the operator's seat, or when that device is visible to the operator while driving the vehicle.

This language is simply outdated. A television broadcast no longer encompasses all electronic devices. This new language will prohibit any device capable of displaying a fluctuating video image, or a data, text or email message. The language not only covers current technology, but it is written to address future technological advances as well. In addition to text messages, DVD players, video games and laptop computers all require the operator to focus more on the device rather than the roadway. Even though these distractions all pose serious dangers on the roadways, none are subject to the definition of inattentive driving under current law.

AB 215 does, however, exempt devices installed by auto manufacturers, if the device is exclusively for vehicle information or navigational purposes, like GPS navigation systems. It also exempts monitors used exclusively for backing maneuvers. Those devices are installed for added safety and therefore not something we want to ban under this bill. In fact, our goal is to work with this committee and the auto manufacturers to craft the best proposal that exempts all installed safety features.

The WTA feels strongly that it is important to exempt devices that are used primarily to enhance safety while operating a vehicle; and at times, this includes cell phones. **The intent of AB 215 has always been to enhance current law to reduce the number of crashes due to inattentive drivers.** The Troopers' Association is opposed to broad-based legislation that bans the use of cellular phones; in fact, some of my colleagues believe that cell phones have done more good than harm. This legislation can help address the same concerns, but in a broader sense.

The risk of causing a traffic crash increases significantly when a driver is distracted. The bottom line is that AB 215 is good public policy. It does not put a ban on devices such as cellular phones or GPS navigation systems. It does, however, require drivers to focus more on driving, and less on distractive items, and in the end, will help law enforcement in their mission to decrease Wisconsin's highway fatalities. The Wisconsin Troopers' Association is committed to making our highways safer. This legislation is a strong step towards accomplishing that goal.

I appreciate the opportunity to testify in support of this valuable legislation. I would be happy to answer any questions at this time.



STATE REPRESENTATIVE
Garey Bies
1ST ASSEMBLY DISTRICT
COMMITTEE ON CORRECTIONS AND THE COURTS

**Written Testimony of Representative Garey Bies
Assembly Committee on Transportation
Assembly Bill 215 – Inattentive Driving**

Good morning Chairman Petrowski, committee members. Thank you for taking the time to allow me to come before you to testify on Assembly Bill 215.

I introduced this legislation as a result of observations by the Wisconsin State Troopers Association, of an increase in distracted drivers upon Wisconsin's highways. With the increase of electronic devices finding their way into our cars, the Troopers want to re-enforce the notion that as we drive our cars, our most important responsibility is the safety of our passengers, as well as the safety of drivers and passengers of other vehicles on the highways with us. This legislation will give law enforcement the ability to take action against activities that cause accidents when these activities are to the point that drivers are no longer in control of their vehicles.

With the introduction of electronic devices such as portable digital video disc players, portable video cassette recorders and portable digital devices that can handle everything from e-mail to pocket computing, it is time to update Wisconsin law to the 21st century.

Most importantly, AB 215 updates Chapter 346 to reflect the fact that television broadcasts are no longer the only type of video likely to be viewed by vehicle occupants. AB 215 updates this language in a manner to include any type of moving video image, whether broadcast or recorded. Although there is an exemption for video images that are used to assist in safely backing a vehicle.

I would like to comment briefly on how AB 215 impacts a couple of specific devices. First, cell phone use: Assembly Bill 215 specifically states that cell phone use is not prohibited so long as it is used for verbal communication.

Secondly, Global Positioning System devices are also exempt so long as the devices are somehow affixed to the vehicle so that they are stationary. Under this draft, a driver cannot hold a GPS device in his or her hand, and the GPS device cannot simply be placed on the dashboard where it can slide around or fall as the vehicle moves. It is important to note that my intention and consequently that of the legislation, is to promote the use of GPS devices in a safe manner. Therefore, if the device is mounted in ANY fashion, whether it be mounted permanently in the dash, attached to the windshield by a temporary suction-cup mount, or even on the dash with as basic a mount as a bean-bag, the GPS device conforms.

First for Wisconsin!

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Later, you may hear an argument for the legislation to be amended further to provide an exemption to GPS devices using the term "transferable." Transferable may be a GPS industry term, but at this time, I would object to its inclusion in this draft. As I mentioned before, my intention is to exempt GPS devices but to specify that the GPS devices must be installed or mounted in some way. Thus the bill is drafted to define that GPS devices are exempt if installed or mounted in any fashion. To amend the bill to somehow incorporate an exemption for "transferable GPS devices" would alter the basic construction of the bill by defining what type of GPS device is exempt, not the mount.

In closing, under AB 215, drivers who use common sense behind the wheel of a vehicle will have nothing to fear of law enforcement infringing upon them. Drivers who let their actions interfere with their ability to drive safely can be assured there will be a penalty and hopefully that penalty will be a ticket, not an accident.

Once again I would like to thank you for the opportunity to appear before you on AB 215. I would be happy to answer any questions you may have.